

Geo-Political Status of Reservation in India: A Geographical and Analytical Overview

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ABSTRACT

This paper represents the particular percentage in Education Admissions, Employments, Political Bodies, Promotions, etc, for "socially and educationally backward citizens. The Supreme Court of India ruled in Minorities women, ST women, SC women, ST Men, SC Men, OBC women, OBC Men, EWS Women, EWS Men and then after Open category Will be considered. Government and public sector hiring based on Merit in open category and one more anomaly here , Priority in hiring will be given by Other Minorities women, ST women, SC women, ST Men, SC Men, OBC women, OBC Men, EWC Women, EWC Men and then General if they are equally eligibility (for example having same marks or Rank). Paper also say that State can make any special provision for the advancement of any Socially or Educationally Backward Classes of citizens (SEBCs) or for Scheduled Castes (SCs) and Scheduled Tribes (STs). Article 15(5) empowers the state to make any special provision, by law, in relation to the admission to educational institutions for the advancement of any SEBCs or for any SCs/STs. Article 16(4) empowers the State to make special provision for the reservation of appointments or posts in favour of any backward class of citizens which in the opinion for development of the State are not adequately represented in the services under the State in present Indian society.

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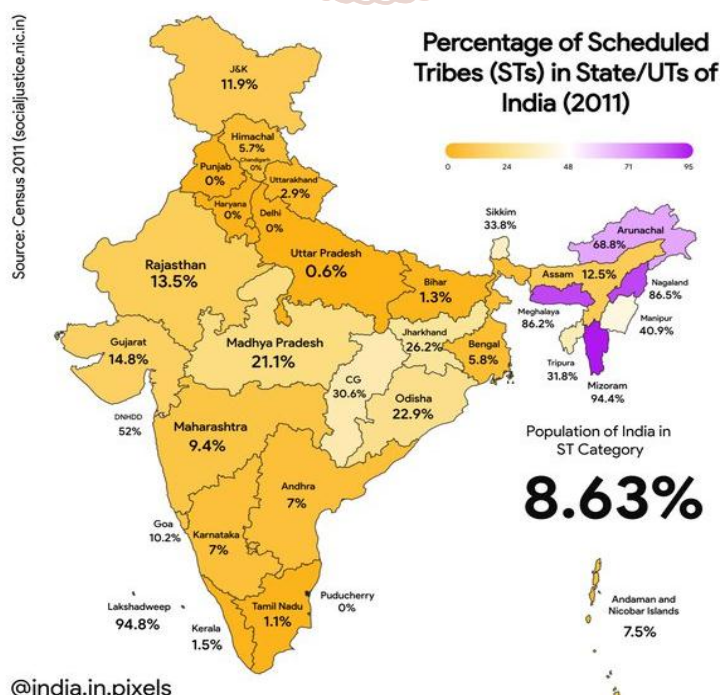


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KEYWORDS: Reservation, Caste System, Scheduled Castes (SC) & Scheduled Tribes (ST)



INTRODUCTION

In social system, Reservation is a system of affirmative action in India that provides historically disadvantaged groups representation in education, employment, government schemes, scholarships and politics. Based on provisions in the Indian Constitution, it allows the Union Government and the States and Territories of India to set reserved quotas or seats, at particular percentage in Education Admissions, Employments, Political Bodies, Promotions, etc, for "socially and educationally backward citizens. The Supreme Court of India ruled in 1992 that reservations could not exceed 50 percent, anything above which it judged would violate equal access as guaranteed by the Constitution. It thus put a cap on reservations.^[16] However, the recent amendment of the constitution exceeds 50% and also there are state laws that exceed this 50 percent limit and these are under litigation in the Supreme Court. For example, in the State of Tamil Nadu, the caste-based reservation stands at 69 percent and applies to about 87 percent of the population.

OBJECTIVE

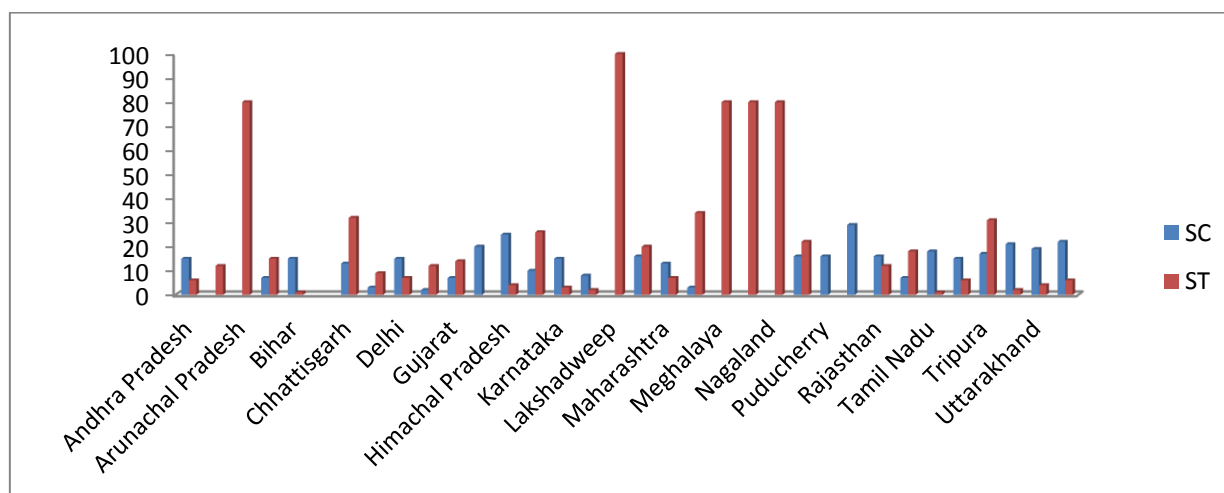
1. To know the status of employment on the ground of reservation policy in India
2. To know the status of education on the ground of reservation policy in India
3. To know the status of gender on the ground of reservation policy in India
4. To know the status of religion on the ground of reservation policy in India

STATUS OF EMPLOYMENT AND RESERVATION POLICY

Government and public sector will hire job seekers based on reservation percentage from two different categories

- reservation category (SC, ST, OBC, EWC and other minorities)
- Open category (General, SC, ST, OBC, EWC and other minorities)

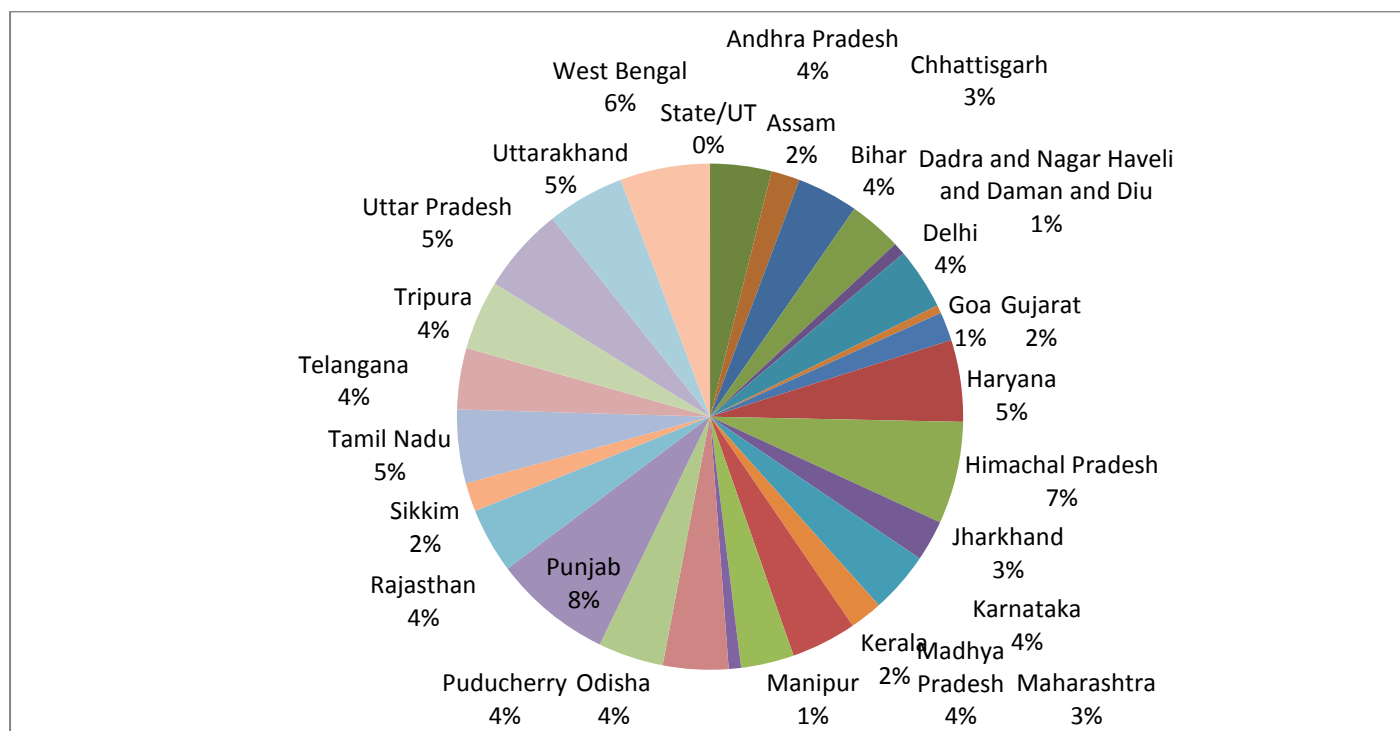
While hiring, major priority is given to reservation category including 33% reservation for Women, priority in hiring is given by Other Minorities women, ST women, SC women, ST Men, SC Men, OBC women, OBC Men, EWS Women, EWS Men and then after Open category Will be considered. Government and public sector hiring based on Merit in open category and one more anomaly here, Priority in hiring will be given by Other Minorities women, ST women, SC women, ST Men, SC Men, OBC women, OBC Men, EWC Women, EWC Men and then General if they are equally eligibility (for example having same marks or Rank). In 1995, the 77th amendment to the Constitution was made to amend Article 16 before the five-year period expired to continue with reservations for SC/STs in promotions. It was further modified through the 85th amendment to give the benefit of consequential seniority to SC/ST candidates promoted by reservation.



STATUS OF EDUCATION AND RESERVATION POLICY

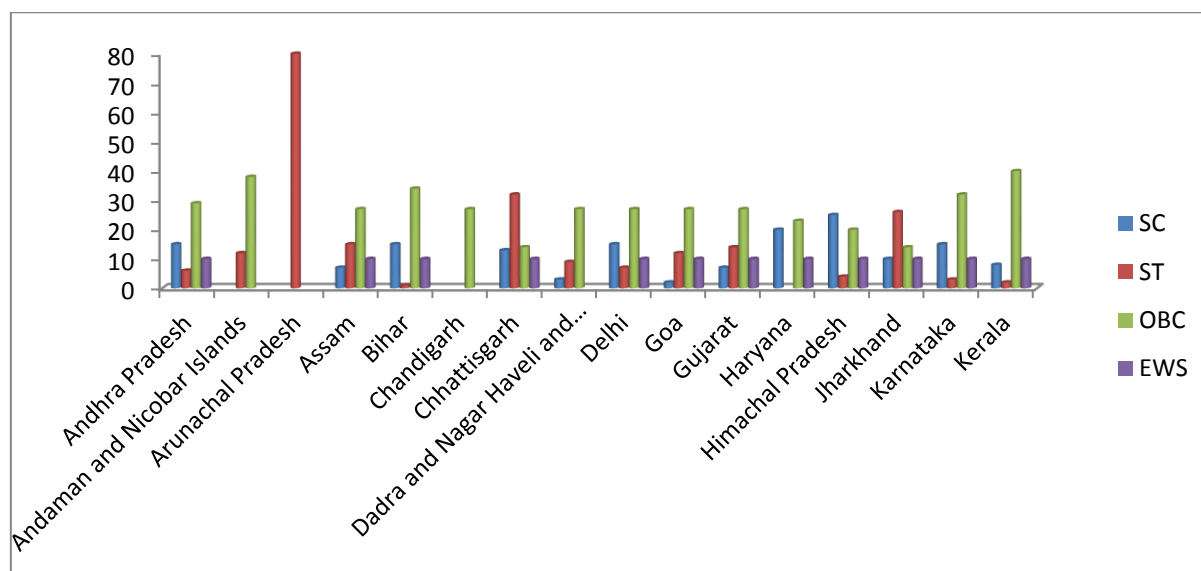
Universities allot seats based on reservation percentage from two different categories are 1: reservation category (SC, ST, OBC, EWC and other minorities) 2: Open category (General, SC, ST, OBC, EWS and

other minorities). In allotment, Major priority given to reservation category including 33% reservation for Women, priority in allotting is given by Other Minorities women, ST women, SC women, ST Men, SC Men, OBC women, OBC Men, EWC Women, EWC Men and then after Open category Will be considered. Government Universities will allot based on priority by: Other Minorities women, ST women, SC women, ST Men, SC Men, OBC women, OBC Men, EWC Women, EWC Men & then General and reservation percentage under consideration for entrance exams fees, for cut off marks, for allotment of seats and also applicable to other government schemes.



STATUS OF GENDER AND RESERVATION POLICY

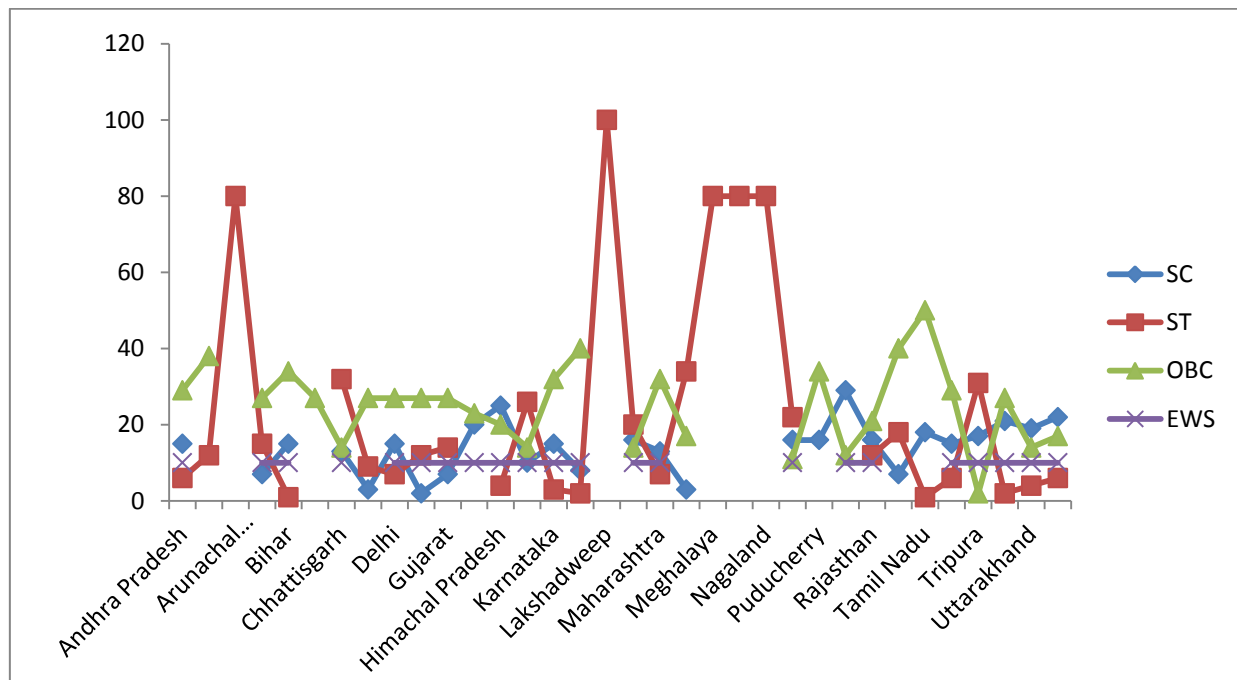
The Women's Reservation Bill was passed by the Rajya Sabha on 9 March 2010 by a majority vote of 186 members in favor and against. As of March 2013, the Lok Sabha has not voted on the bill. Critics say gender cannot be held as a basis for reservation alone other factors should also be considered economic, social conditions of woman candidates especially when applying reservation for educated women. The criticism points that the policy benefits women that have access to political capital through family circles and are faced with the burden of a huge learning curve. Again, women are divided among caste and class lines with this dichotomy playing an important role in deciding how the presence of women in the lowest tier of governance impact the problems faced by the women of the constituency. In Gujarat and Andhra Pradesh, 32% of posts are reserved for females in all government departments and services, such as police, health, education and general administration. From 2015 onwards Kerala has implemented a 55% reservation for all posts of its local self-governing bodies.



STATUS OF RELIGION AND RESERVATION POLICY

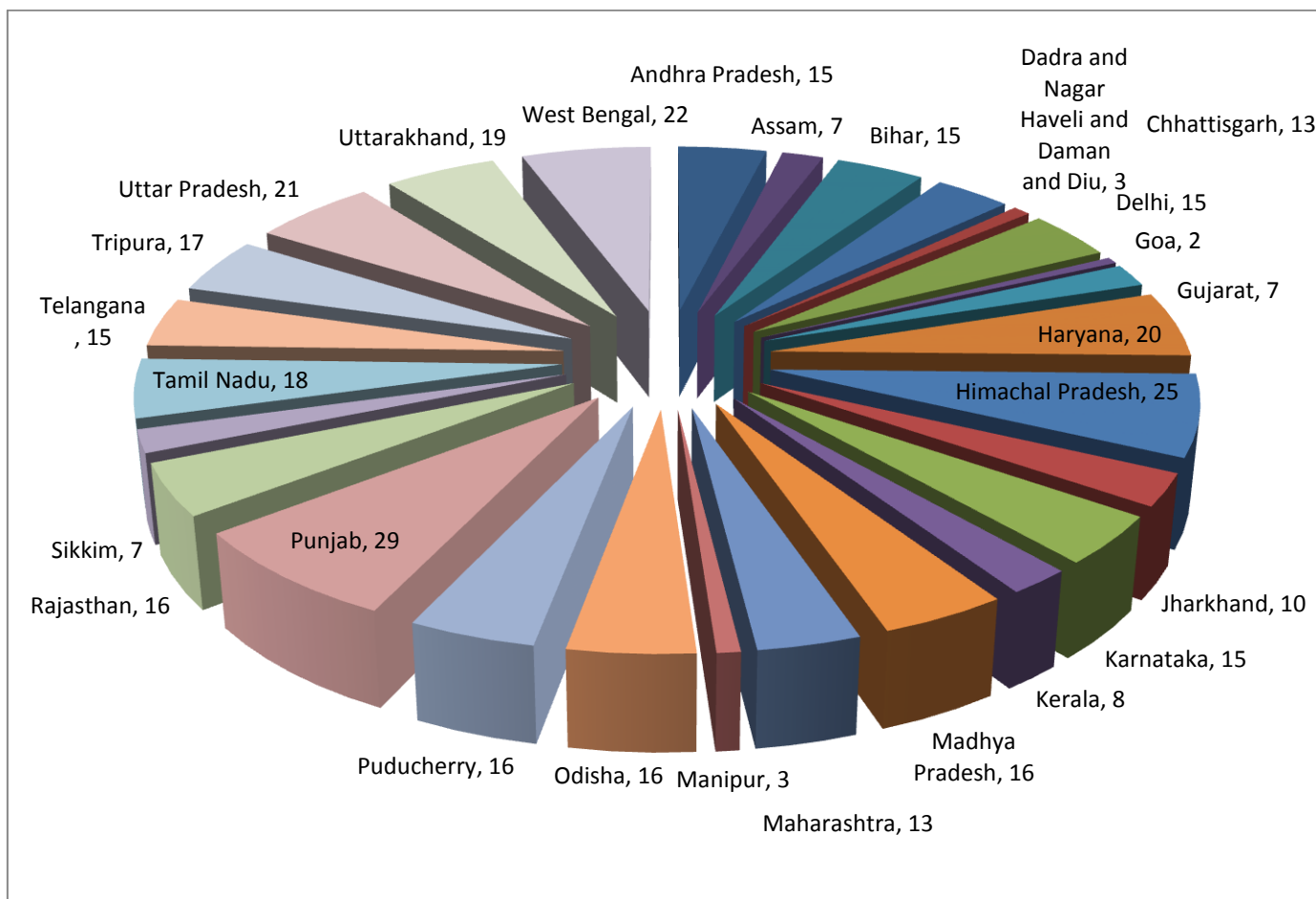
The Tamil Nadu government has allotted 3.5% of seats each to Muslims and Christians, thereby altering the OBC reservation to 23% from 30% (since it excludes persons belonging to Other Backward Castes who are either Muslims or Christians). The Government of Andhra Pradesh introduced a law enabling 4 percent reservations for Muslims in 2004. This law was upheld by the Supreme Court in an interim order in 2010 but it constituted a Constitution bench to look further into the issue. The referral was to examine the constitutional validity of quotas based on religion. Kerala Public Service Commission has a quota of 12% for Muslims. Religious minority (Muslim or Christian) educational institutes also have 50% reservation for Muslim or Christian religions. The Central government has listed a number of Muslim communities as backward Muslims, making them eligible for reservation.

State/UT	SC	ST	OBC	EWS
Andhra Pradesh	15	6	29	10
Andaman and Nicobar Islands		12	38	
Arunachal Pradesh		80		
Assam	7	15	27	10
Bihar	15	1	34	10
Chandigarh			27	
Chhattisgarh	13	32	14	10
Dadra and Nagar Haveli and Daman and Diu	3	9	27	
Delhi	15	7	27	10
Goa	2	12	27	10
Gujarat	7	14	27	10
Haryana	20		23	10
Himachal Pradesh	25	4	20	10
Jharkhand	10	26	14	10
Karnataka	15	3	32	10
Kerala	8	2	40	10
Lakshadweep		100		
Madhya Pradesh	16	20	14	10
Maharashtra	13	7	32	10
Manipur	3	34	17	
Meghalaya		80		
Mizoram		80		
Nagaland		80		
Odisha	16	22	11	10
Puducherry	16		34	
Punjab	29		12	10
Rajasthan	16	12	21	10
Sikkim	7	18	40	
Tamil Nadu	18	1	50	
Telangana	15	6	29	10
Tripura	17	31	2	10
Uttar Pradesh	21	2	27	10
Uttarakhand	19	4	14	10
West Bengal	22	6	17	10



	SC	ST	OBC	EWS
SC	1			
ST	-0.3582	1		
OBC	-0.26127	-0.61973	1	
EWS	#DIV/0!	#DIV/0!	#DIV/0!	1

SC	Score	ST	Score	OBC	Score	EWS	Score
Mean	14.18519	Mean	24.2	Mean	25.03448	Mean	10
Standard Error	1.281066	Standard Error	5.279194	Standard Error	1.958613	Standard Error	0
Median	15	Median	12	Median	27	Median	10
Mode	15	Mode	80	Mode	27	Mode	10
Standard Deviation	6.656616	Standard Deviation	28.91533	Standard Deviation	10.54745	Standard Deviation	0
Sample Variance	44.31054	Sample Variance	836.0966	Sample Variance	111.2488	Sample Variance	0
Kurtosis	-0.10077	Kurtosis	1.156131	Kurtosis	0.05789	Kurtosis	#DIV/0!
Skewness	-0.04383	Skewness	1.558713	Skewness	0.095615	Skewness	#DIV/0!
Range	27	Range	99	Range	48	Range	0
Minimum	2	Minimum	1	Minimum	2	Minimum	10
Maximum	29	Maximum	100	Maximum	50	Maximum	10
Sum	383	Sum	726	Sum	726	Sum	220
Count	27	Count	30	Count	29	Count	22
Largest(1)	29	Largest (1)	100	Largest (1)	50	Largest(1)	10
Smallest (1)	2	Smallest (1)	1	Smallest (1)	2	Smallest (1)	10
Confidence Level (95.0%)	2.63327	Confidence Level (95.0%)	10.79716	Confidence Level (95.0%)	4.012037	Confidence Level (95.0%)	0

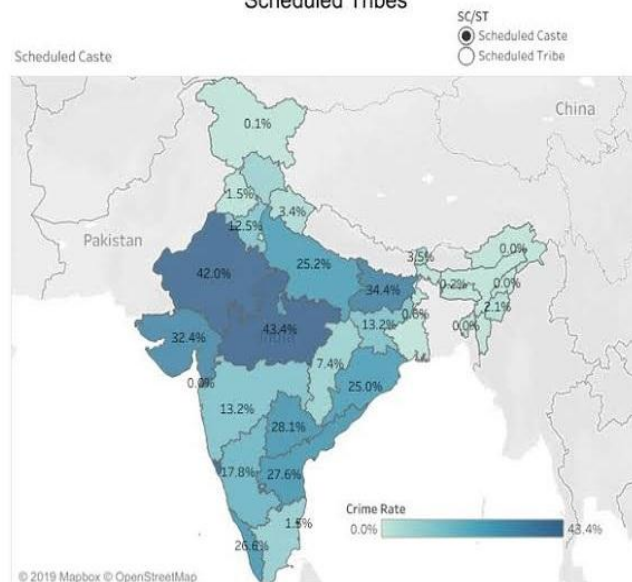


As per Article 16(4), one of the main purposes of reservation is to provide **adequate representation of all classes (castes)** in government services. Economic Reservation introduced by Article 16(6) is actually against this concept – as it does not take into consideration the caste-based representation. Moreover, the **reservation is not a poverty alleviation scheme**. Supreme Court had also ruled that economic status cannot be the **sole criterion** for reservation. Many states had tried to implement Economic Reservation, however, they were subsequently quashed by Courts. Introducing EWS bill in 2019, Union Social Justice and Empowerment Minister Thaawarchand Gehlot said the similar state laws for EWS quota were quashed by Courts because there was no provision for economic reservation in the Constitution before. Now, the Law will not be struck down by the Supreme Court if challenged as it has been brought by making required provisions in the Constitution.

CONCLUSION

In Indian The Union Government on 22 December 2011 announced the establishment of a sub-quota of 4.5% for religious minorities within the existing 27% reservation for Other Backward Classes. The reasoning given was that Muslim communities that have been granted OBC status are unable to compete with Hindu OBC communities. was alleged that the decision was announced as the Election Commission announced Assembly elections in five states on 24 December 2011. The government would not have been able to announce this due to the model code of conduct. On 12 January 2012, the Election Commission stayed implementation of this decision for violation of the model code of conduct Later, Justice Sachar, head of the Sachar Committee that was commissioned to prepare a report on the latest social, economic and educational condition of the Muslim community of India, criticised the government decision, saying "Such promises will not

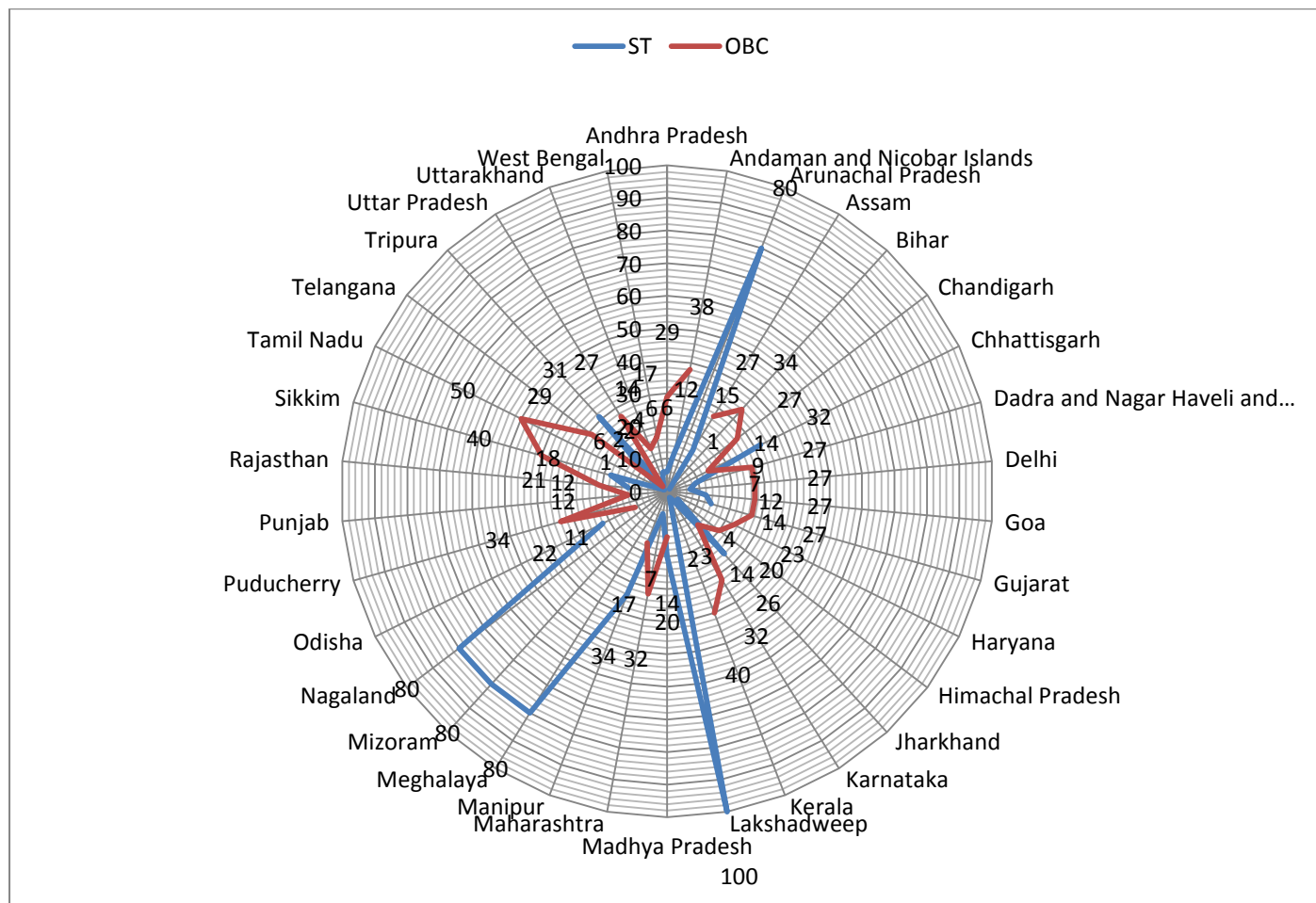
State-wise Rate Of Crimes Against Scheduled Castes And Scheduled Tribes



help the backward section of minorities. It is like befooling them. These people are making tall claims just to win elections". He suggested that instead of promising to give reservations, the government should focus on basic issues of improving administration and governance.

Implications of the Judgement of the Supreme Court:

After this judgement, the members of the SC and ST communities, as mentioned in the Presidential List under Article 341 and 342 of the Constitution of India, will be presumed to be backward on account of their castes. Such communities will be given reservation in job promotions without the need of any data to act as a proof of their backwardness.

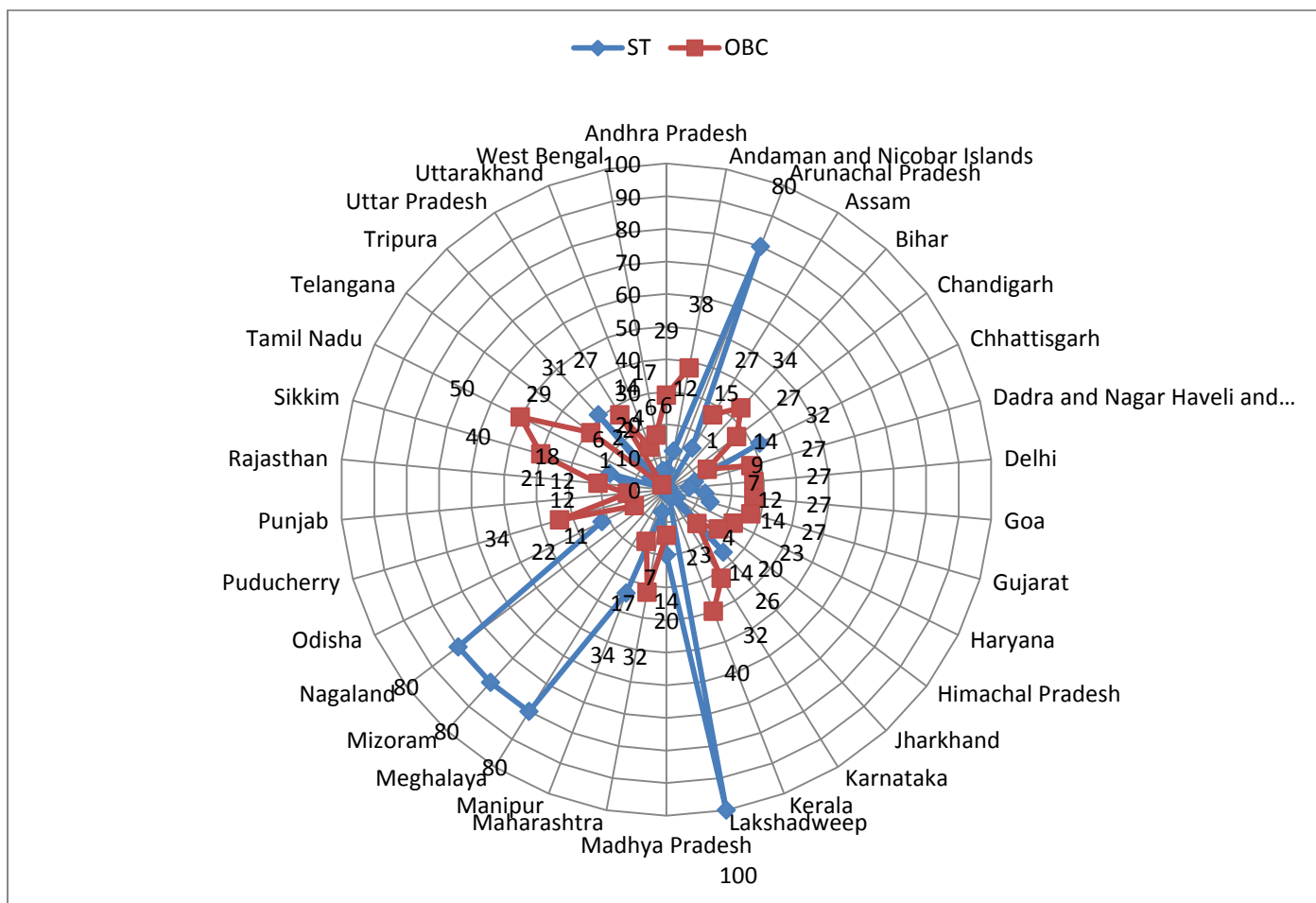


Background of Reservation Policy in India:

Reservation or affirmative action is the policy of favoring members of a disadvantaged group who suffer or have suffered from discrimination within a culture.

Constitutional Provisions that allows Reservation:

The Preamble of the Indian Constitution aims at securing 'Justice, social, economic and political' – Reservation to weaker section of the society is an instrument of social justice. Article 14 incorporates within itself "equal protection of the laws" besides 'equality before law' – This means that a state must treat all individuals equally in similar conditions and circumstances.



Article 15(4) enunciates that the State can make any special provision for the advancement of any Socially or Educationally Backward Classes of citizens (SEBCs) or for Scheduled Castes (SCs) and Scheduled Tribes (STs). Article 15(5) empowers the state to make any special provision, by law, in relation to the admission to educational institutions for the advancement of any SEBCs or for any SCs/STs. Article 16(4) empowers the State to make special provision for the reservation of appointments or posts in favor of any backward class of citizens which in the opinion of the State are not adequately represented in the services under the State. Article 46 directs the State to promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the SCs/STs.

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